

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

JOSE LUIS TIZOC, Plaintiff, vs. JARED RARDIN, <i>Warden, Rochester FMC,</i> Defendant.	Case No: 23-CV-2819 (SRN/DLM) ORDER
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This matter is before the Court on the Motion to Withdraw/Dismiss this matter pursuant to Fed. R. Civ. P. 41, filed by Plaintiff Jose Luis Tizoc [Docket No. 34].

Under the Federal Rules, after an opposing party has responded to a complaint or petition, and absent a stipulation of dismissal signed by all parties, a plaintiff may request voluntary dismissal only by court order, on terms that the court considers proper. Fed. R. Civ. P. 41(a)(2). Unless otherwise stated, dismissal under this provision is without prejudice. *Id.*

Defendant has responded to Plaintiff's Petition [Doc. No. 18], and no stipulation has been submitted to the Court. Accordingly, the Court considers Plaintiff's Motion under Rule 41(a)(2). The Court finds that the

terms of dismissal are proper here, as Plaintiff now seeks to resolve this matter internally, without the Court's involvement.

Accordingly, Plaintiff's Motion to Withdraw/Dismiss [Doc. No. 34] is **GRANTED**, and this action is **DISMISSED** without prejudice.

BY THE COURT:

Dated: Thursday, April 4, 2024

s/ Susan Richard Nelson
Susan Richard Nelson
United States District Judge